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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application of: Louis S. Osika and Roger P. Smith  
Serial No. 10/789,875  
Filed: February 27, 2004  
Confirmation No. 9151  
Title: CONTAINER HAVING FLOURESCENT INDICIA  
Attorney Docket: 18032  
Group Art Unit: 1772  
Examiner: M. C. Miggins  
In Response to: Notice of Non-Compliant Appeal Brief  
Mailed December 7, 2006

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**CERTIFICATE OF MAILING**

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

Diana Castillo  
(Name of Person Making Deposit)

*Diana Castillo*  
(Signature)

December 14, 2006  
(Date)

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**RESPONSE TO NOTIFICATION OF NON-COMPLIANT APPEAL BRIEF**

The Notification of Non-Compliant Appeal Brief mailed December 7, 2006 alleges that the Appeal Brief filed November 13, 2006 does not include "a concise statement of each ground of rejection presented for review."

37 CFR 4.137(c) lists the required contents of the Appeal Brief, under appropriate headings, including:

(vi) *Grounds of Rejection to be Reviewed on Appeal.* A concise statement of each ground of rejection presented for review.

At the top of page 6 of the Appeal Brief filed November 13, 2006, under the heading "Grounds of Rejection to be Reviewed on Appeal," appears the following "concise statement of each ground of rejection presented for review:"

All appealed claims 1-2, 4-9 and 11 have been rejected over Slat 2003/0091769 combined with Schottland 2003/0211288.

Claims 12-15 had been rejected over Slat alone, but have been canceled to simplify the issues for appeal.

Thus, it is respectfully submitted that the Appeal Brief filed November 13, 2006 fully complies with 37 CFR 4.137(c), including provision of a concise statement of each ground of rejection presented for review as required in 37 CFR 4.137(c)(1)(vi).

Respectfully submitted,

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